

## Article - Education

[\[Previous\]](#)[\[Next\]](#)

§16–705. NOT IN EFFECT

**\*\* TAKES EFFECT SEPTEMBER 1, 2022 PER CHAPTERS 16 AND 27 OF THE 2021 SPECIAL SESSION \*\***

(a) (1) An employee organization may be certified as an exclusive representative only as provided under this section.

(2) Except as provided in subsection (j) of this section, on or after September 1, 2022, an election or a recognition of an exclusive representative shall be conducted by the Board for each bargaining unit after the requirements of § 16–704 of this subtitle have been met by that bargaining unit.

(3) The Board may use a third-party contractor to receive and count ballots for an election under this section.

(b) For each election, the Board shall place on the ballot:

(1) The name or names of the employee organization submitting the valid petition;

(2) The name of any other employee organization designated in a valid petition signed by more than 10% of the employees in the appropriate bargaining unit; and

(3) A provision for “no representation”.

(c) (1) In any election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, with the ballot providing for a selection between the two choices receiving the highest number of ballots cast in the election.

(2) An employee organization receiving a majority of votes cast in an election shall be certified by the Board as the exclusive representative for collective bargaining purposes.

(d) (1) Within 7 days after an election is ordered, a public employer shall submit to the Board and an employee organization an updated alphabetical list of eligible public employees who may vote in the election.

(2) The list required to be submitted under paragraph (1) of this subsection shall include the same information required under § 16-704 for each eligible public employee.

(e) A public employer, its officers, and an agent of the employer may not spend public money, use public resources, or provide assistance to an individual or a group for a negative campaign against an employee organization.

(f) (1) Within 7 days after a valid election has been determined under subsection (a) of this section, a public employer shall allow public employees and employee organizations to access the employer's property and facilities, including grounds, rooms, bulletin boards, campus mail, and other common areas for campaign activities for the election.

(2) The public employer may not:

(i) Limit the amount of time a public employee has access to the public employer's property and facilities during an election under this section; or

(ii) Alter or revise existing rules or regulations to unfairly limit or prohibit public employees or employee organizations from collective bargaining.

(3) This subsection may not be construed to allow campaign activities to interfere with a public employer's operations.

(g) (1) The Board shall conduct the election:

(i) By secret ballot; and

(ii) Subject to paragraph (2) of this subsection, in whole or in part by in-person voting, mail, or an electronic voting system.

(2) The Board may designate the time period for in-person voting under paragraph (1)(ii) of this subsection only after consulting with the public employer and employee organizations on the ballot.

(3) (i) The Board shall allow at least 10 days of voting for an election conducted under paragraph (1) of this subsection, unless an employee organization on the ballot requests an extension.

(ii) The Board may extend the time period for voting due to inoperable voting systems.

(h) (1) An employee organization on a ballot may request a preferred method of voting at the time a petition for election is filed with the Board.

(2) Except as provided in paragraph (3) of this subsection, the Board shall designate the method of voting based on the requests of the employee organizations on the ballot.

(3) If there is a dispute between two or more employee organizations on the ballot over the method of voting, the Board may designate the method of voting.

(i) (1) The Board shall provide notice of each election that describes the method of voting to employee organizations on the ballot and to the public employer.

(2) The public employer shall make publicly available notice of each election to all eligible public employees within 2 days after the public employer receives notice of the election from the Board.

(3) The Board shall assist an eligible public employee in using an alternative method of voting to cast a ballot if the public employee promptly informs the Board of the inability to cast a ballot using the designated method of voting.

(j) The Board shall designate an employee organization as the exclusive representative only if:

(1) One employee organization seeks certification as the exclusive representative;

(2) There is no incumbent exclusive representative;

(3) The employee organization has not requested an election; and

(4) The Board determines that more than 50% of the public employees in the bargaining unit support the employee organization through comparing showing of interest forms with a public employer's provided list of public employees in the bargaining unit.

(k) The election of an exclusive representative may not be conducted in any bargaining unit in which:

(1) An exclusive representative has been certified within the immediately preceding 24 months; or

(2) A valid election has been held within the immediately preceding 12 months in which an exclusive representative was certified.

(l) (1) Subject to paragraph (2) of this subsection, the exclusive representative of a bargaining unit that operated under a collective bargaining agreement or contract before September 1, 2022, maintains certification after the agreement or contract expires.

(2) If a collective bargaining agreement or contract is in effect, a valid petition for an election under this section may be submitted and an election conducted under this section only if the petition is submitted at least 90 days, but not more than 120 days, before the expiration of the collective bargaining agreement or contract.

[\[Previous\]](#)[\[Next\]](#)